

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK
NWAUZOR, FERNANDO AGUIRRE-
URBINA, individually and on behalf of all
those similarly situated,

Plaintiffs,

v.

THE GEO GROUP, INC., a Florida
corporation,

Defendant.

No. 3:17-cv-05769-RJB

**DECLARATION OF JAMAL N.
WHITEHEAD IN SUPPORT OF
PLAINTIFFS' MOTION TO
AMEND NOTICE PLAN**

I, JAMAL N. WHITEHEAD, declare as follows:

1. I am over the age of eighteen, competent to testify in this matter, and do so based on personal knowledge.

2. I am an attorney with Schroeter Goldmark & Bender, which, together with the Law Office of R. Andrew Free, Open Sky Law, PLLC, and Menter Immigration Law, PLLC, are Plaintiffs' counsel and Class Counsel in this action. I have been one of the lawyers primarily responsible for the prosecution of Plaintiffs' case.

1 3. The parties have conferred several times over the past several months in an
2 effort to obtain more complete class member data. The parties also conferred by email and
3 phone about the relief sought by this motion. GEO has informed me that it does not oppose the
4 motion.

5 4. GEO produced class list information on April 12 and April 29, 2019. GEO's
6 second production came in the form of confidential Excel spreadsheet featuring the name,
7 "Inmate Id," Alien Number, and address information for each class member. The spreadsheet
8 identified approximately 9,131 class members, but over 46,000 rows of address information.
9 This meant that virtually all class members had multiple addresses, and in fact, *hundreds* of
10 class members carried more than *five* addresses while some had as many as 20 addresses listed.
11 Others still had no address information at all. For the majority of the class with multiple
12 addresses, there was no indication which address was the most recent or correct forwarding
13 address.

14 5. Unlike in many class actions, the class list produced by GEO lacks Social
15 Security numbers or other unique identifiers that could assist in tracing a change of address. In
16 addition, many class members have common surnames, further complicating the task of sorting
17 through the data. It would take considerable effort to ascertain which of those addresses are
18 viable, making mailed notice within the U.S. impractical.

19 6. The parties have met and conferred several times in an effort to supplement or
20 "de-duplicate" the class list. GEO initially instructed class counsel to contact ICE directly, but
21 ICE could provide no definitive answers regarding the last, best address for each class member.
22 Plaintiff emailed GEO's prior counsel on July 16, 2019, notifying them of the problem. The
23 parties, including GEO's current attorneys, met and conferred by phone on August 7, 2019.

1 GEO's new attorneys were still coming up to speed on the case and had no new information to
2 provide as of the call. The parties met and conferred by phone again on August 23, and as of
3 September 13, and GEO reported working with ICE to determine whether ICE was authorized
4 to provide the current or last know address for each class member. The parties met and
5 conferred again on October 10, 2019, about the class list data and other scheduling issues. The
6 parties met and conferred again on this subject on November 19, 2019, GEO confirmed during
7 the call that it was unable to produce more or better address data. The parties continued to
8 discuss this subject, but no resolution could be reached. In an email dated December 2, 2019,
9 GEO confirmed that "some of the addresses are now outdated or unreliable."

10 7. Plaintiffs also retained a data scientist as a consulting expert to analyze and cull
11 the list, but his efforts have been limited by the quality of the data available.

12 8. Based on the work of our data scientist, we believe that a substantial number of
13 class members are believed to be in ICE and/or GEO custody. On August 7 and 23, I sent GEO
14 a list of class members believed to still be in custody. On December 2, 2019, GEO confirmed
15 that approximately 130 class members are still in its custody.

16 9. I have contacted three third-party administrators about executing the notice
17 plan, and received estimates ranging from about \$20,000 to nearly \$900,000. The quotes for
18 conducting a domestic direct mail campaign, as contemplated by the original notice plan, have
19 ranged from approximately \$8,000 to \$15,000. But these figures contemplate service on a
20 single address, and because the class list contains an average of about 5.1 addresses for each
21 class member, these estimates are likely to double or triple or more if Plaintiffs attempt to serve
22 notice on all of the domestic addresses listed for each class member.

Executed in Seattle, Washington, on December 12th, 2019.

s/ Jamal N. Whitehead
JAMAL N WHITEHEAD